

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

*Plaintiff and Counterclaim-Defendant,*

v.

T-MOBILE US, INC., T-MOBILE USA, INC.,  
and SPRINT CORP.,

*Defendants and Counterclaimant-Plaintiffs.*

Case No. 2:23-CV-00377-JRG-RSP  
(MEMBER CASE)

**ANSWER TO COUNTERCLAIMS**

**JURY TRIAL DEMANDED**

HEADWATER RESEARCH LLC,

*Plaintiff and Counterclaim-Defendant,*

v.

T-MOBILE US, INC., T-MOBILE USA, INC.,  
and SPRINT CORP.,

*Defendants and Counterclaimant-Plaintiffs.*

Case No. 2:23-CV-00379-JRG-RSP  
(LEAD CASE)

**JURY TRIAL DEMANDED**

**HEADWATER’S ANSWER TO T-MOBILE’S COUNTERCLAIMS**

Plaintiff and Counterclaim-Defendant Headwater Research LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs T-Mobile US, Inc., T-Mobile USA, Inc., and Sprint Corp.’s (collectively, “T-Mobile” or “Defendants and Counterclaim-Plaintiffs”) counterclaims as follows:

**THE PARTIES**

1. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.

2. Admitted that Headwater Research LLC is a Texas limited liability company with its headquarters at 110 North College Avenue, Suite 1116, Tyler, Texas 75702.

**JURISDICTION AND VENUE**

3. Admitted.

4. Admitted.

5. Admitted.

6. Headwater admits that it has sued T-Mobile for infringement of the '541 Patent, and '613 Patent and that there is a substantial, actual, and continuing controversy between Headwater and T-Mobile as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 6.

**COUNT 1**

**(Declaratory Judgment of Non-Infringement of the '541 Patent)**

7. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

8. Denied.

9. Denied.

**COUNT 2**

**(Declaratory Judgment of Invalidity of the '541 Patent)**

10. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

11. Denied.

12. Denied.

**COUNT 3**

**(Declaratory Judgment of Non-Infringement of the '613 Patent)**

13. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

14. Denied.

15. Denied.

**COUNT 4**  
**(Declaratory Judgment of Invalidity of the '613 Patent)**

16. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

17. Denied.

18. Denied.

**PRAYER FOR RELIEF**

In response to T-Mobile's prayer for relief, Headwater denies that T-Mobile is entitled to any relief, including any of the relief requested in paragraphs A–E of T-Mobile's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

- a. A judgment in favor of Headwater that T-Mobile has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the '541 Patent and the '613 Patent;
- b. A permanent injunction prohibiting T-Mobile from further acts of infringement of the '541 Patent and the '613 Patent;
- c. A judgment and order requiring T-Mobile to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for T-Mobile's infringement of the '541 Patent and the '613 Patent;
- d. A judgment and order requiring T-Mobile to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning

of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against T-Mobile;  
and

f. Any and all other relief as the Court may deem appropriate and just under the  
circumstances.

**JURY DEMAND**

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury  
of any issues so triable by right.

Dated: August 30, 2024

Respectfully submitted,

/s/ Marc Fenster

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**ATTORNEYS FOR PLAINTIFF AND  
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Headwater Research LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 30<sup>th</sup> day of August 2024, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster